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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
LUIS ARMANDO ROMERO JR,  
  
Defendant.

CASE NO. 1:21-CR-00106-JLT-SKO  
  
STIPULATION AND ORDER TO VACATE  
STATUS CONFERENCE AND SET TRIAL DATE

Plaintiff, the United States, by and through its counsel of record, and the defendant, by and through their counsel of record, hereby stipulate as follows:

1. By previous order, this case was set for status conference on May 3, 2023, and time under the Speedy Trial Act was excluded from January 18, 2023, through May 3, 2023, inclusive, pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv).
2. The parties now stipulate and request that the status conference be vacated and a trial date be scheduled November 14, 2023, at 8:30 a.m., with a Trial Confirmation Hearing scheduled for October 31, 2023, at 10:00 a.m. This is the earliest available date to ensure continuity of defense counsel and allow sufficient time for trial preparation and further defense investigation. The defendant moves to exclude time from May 3, 2023, through November 14, 2023, inclusive, under 18 U.S.C. § 3161(h)(7)(A) and B(iv).
3. The parties stipulate and request that the Court make the following findings:

- a. The government has produced discovery to defense counsel and made other items available for inspection and copying. The government will timely produce supplemental discovery, if any, that comes into its possession as it prepares for trial.
  - b. Defense counsel desires additional time to complete their review of the discovery, perform additional investigation, conduct legal research, conduct plea negotiations, prepare pretrial motions, and otherwise prepare for trial.
  - c. Defense counsel believes that failure to grant the above-requested continuance will deny them necessary and reasonable time for effective preparation.
  - d. Based on the above findings, the ends of justice served by continuing the trial as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
  - e. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the period of May 3, 2023, through November 14, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.
4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional periods are excludable from the period within which trial must commence.

IT IS SO STIPULATED.

1 Dated: April 27, 2023

PHILLIP A. TALBERT  
United States Attorney

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3 /s/ Antonio J. Pataca  
ANTONIO J. PATACA  
Assistant United States Attorney

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6 Dated: April 27, 2023

/s/ Daniel Harralson  
DANIEL HARRALSON  
Counsel for Defendant  
LUIS ARMANDO ROMERO  
JR.

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10  
11 **ORDER**

12 IT IS SO ORDERED.

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15 DATED: 4/27/2023

Sheila K. Oberto  
THE HONORABLE SHEILA K. OBERTO  
UNITED STATES DISTRICT JUDGE